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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,703	06/28/2001	Hiroshi Ohmura	740819-0574	4228
22204	7590	10/14/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			JAROENCHONWANIT, BUNJOB	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Dk b

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,703	OHMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bunjob Jaroenchonwanit	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 June 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/09/01, 3/25/04, 9/17/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-7 are presented for examination.
2. Claims invention, in context, directed to a method apparatus and software, (collectively referred to as “system”, hereinafter), for presenting information, e.g., map and additional information to a user in a vehicle. The system required an in vehicle unit (V-unit), i.e., any forms of computing devices, which is installed in a vehicle or on board, and capable of providing navigational map; the V-unit coupled to a server and a computer via a conventional network; the V-unit and a computer contain map data; the server contains additional map information, which is to be added on the map in the V-unit; the server capable of transmitting the additional information to present to the V-unit and/or the computer. Since the claims and the specification failed to define specific types of additional information, thus any information, which temporal updated on to the V-unit or the computer, would be applicable for rejecting the claims. Further, even though, the claims’ language required a computer located in location other than in the vehicle. However, regardless of such requirement, it does not in anyway further limited functionality of the claims, beside a computer locate in a location other than in a vehicle seems so conventional. Applicant should realize that omission of cooperative functionality between the computer and the V-unit or the server; the patentability weight of the claims is significantly reduced. Further, the claim recited, “the in-vehicle unit and the computer each contain map data”. Such language does not necessarily require that the map data must be pre-stored in the V-unit. Insofar, the map data could be distinctively transmitted from the server to store at the V-unit, for instance, at initialization phrase, and later while the vehicle traversing along, additional information could be transferred to update the map data, upon the changing of circumstances,

situations, i.e., terrains changing, weather changing, and etc. Thereby, the claims are interpreted, as such. Based on the aforementioned analysis, claims 1-7 are rejected. The rejection cited are as stated below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Aratow et al (US. 6,199,008).

5. Regarding claims 1, 3-7, Aratow teaches an in flight aviation system capable of displaying, updating, navigational map, and additional terrain, the system comprises an in-flight system, i.e., The V-unit, a computer a fight control terminal, a computer in other location and a database servers contains addition map information, such as terrain, weather or aviation, constantly, transmitting the update additional information from the database server to the in-flight system and control computer for displaying the update information of the particular situation to both fight control personnel and fight engineer and pilot for making fight control decision. Based upon the aforementioned analysis, Aratow anticipated the invention as in claims 1, 3-7, as followed. Aratow discloses an information service system comprising: an in-vehicle unit mounted in a vehicle (in fight system, Col. 3, line 5-Col. 4, line 15); a computer installed at

a specific location other than the vehicle (FAA computer system, Col. 3, lines 50-55); and a server linked to the in-vehicle unit and the computer via a network, wherein the in-vehicle unit and the computer each contain map data, the server contains additional information to be presented on maps and is configured to transmit the additional information as data in specific format to the in-vehicle unit or the computer, and the in-vehicle unit and the computer are configured to present the individual maps by adapting each piece of the data in specific format transmitted from the server to the associated piece of map data and then adding the information related to the piece of data in specific format onto the associated map (Col. 4, lines 1-15).

6. Claims 1, 2-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotou et al (US. 6,377,008).

7. Regarding claims 1, 3-5, Gotou discloses a method, apparatus and computer program (referred to as “system”, hereinafter), which capable of providing a navigational information to an in-vehicle or stationary computer, the system comprising of: a vehicle units 1, i.e., in-vehicle unit, and information center 2, i.e., computer locate in a location other than the vehicle and a server, i.e., information provider 3, in which they are coupled together via a network (Fig. 2; Col. 4, lines 16-29). Further, Gotou discloses the vehicle units and the computer containing map data (Col. 4, lines 51-55; Col. 5, lines 1-6). Further more, Gotou discloses the server contains and transmits additional information in an HTML format to present on map in the vehicles (Col. 5, lines 16-24). Moreover, Gotou discloses the vehicles are configured to present maps by addition the received additional information to the maps (Col. 11, line 66-Col. 12, line 11).

As to claim 3, recites the server having limitations corresponding to the above-mentioned. They are rejected by the same rationale, set forth.

As to claims 4-5, recite the in-vehicle unit having limitations corresponding to the above-mentioned. Despite the fact that the claims recites a term “plug-in”, but it does not distinguished over Gotou, because “plug-in” is a known and arbitrary used in place of modular software, which is required in HTML environment, JAVA or any other Markup language, to make a portable and compact software. Thus, omission of defining plug-in structure, the limitations read on any modular software, including the using of HTML file, as suggested in Gotou.

8. Regarding claim 2, regardless of lengthy claim, context of the claim required, using HTML for transferring additional information form a server in a network, to be added, i.e., embedded or super imposed on a selected map data, which is in the vehicle. Gotou disclosed the invention as such, (see fig. 24A-24C; Col. 13, line 1-Col. 14, line 67).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou et al, as applied to claims 1, 3-5 above and in view of Phelan (WO 97/07467).

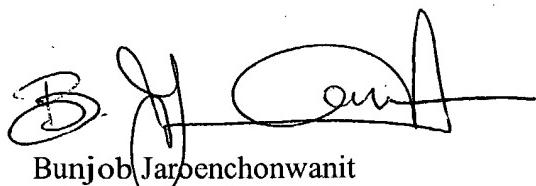
11. Regarding claims 6-7, Gotou discloses the invention substantially as claimed, as described in claims 1 and 2-5, but failed to express in details a plug-in, i.e., software bundled, for

a stationary computer, i.e., server 2. However, Gotou suggested that the server 2 partially provide map data to the vehicle units 12, such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Phelan, in the same field of endeavor having closely related objectivity, teach a system for providing navigational information to a stationary computer, using HTML for providing additional information to be super imposed on a map (abstract). The file transfer is in HTML format, and Phelan further specify the computer could be a fix location or mobile computer. Thus it would have been obvious to have a computer for receiving information to superimpose on a map data in both computer in a vehicle and/or a computer in a location other than in the vehicle, e.g., fleet control home, for the purpose of tracking, controlling and communicating with the vehicle, as commonly set up in a conventional centralized vehicle fleet control, e.g., car rental company, trucking company, fight control terminal, coast guard control room. By this rationale claims 1 and 3, are rejected.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)?



Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
10/12/04